

## **REMARKS**

### **Status of the Claims**

- Claims 1-21 are pending in the Application after entry of this amendment.
- Claims 1-21 are rejected by Examiner.
- Claims 1, 10, and 13 are amended.

### **Claim Rejections Pursuant to 35 U.S.C. §103**

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Publication No. 2003/0008612 to Andreason in view of US Patent Publication No. 2002/0172336 to Postma et al. (Postma). Applicant respectfully traverses the rejection via amendment.

Independent Claims 1 and 13 are amended to include the aspects that first telecommunications device is made to wirelessly communicate locally with at least a second telecommunications device and the aspect that an outgoing call of the local communication network is sent selectively either to the first network by radio communication of the first telecommunications device or to the second public network. The amendments are supported by the as-filed application in Figure 1 and supporting text which shows an example where the first telecommunications device (5) on a first public network (6) communicates wirelessly to the a second telecommunications device (2) on a second public network (3). The configuration of Figure 1 functions such that an outgoing call from a local communication network (1), which includes fixed base (2) and at least one mobile terminal (4 and/or 5), can be directed to be sent either wirelessly to the first public network (6) via the first communications device (5) or the outgoing call can be directed to be sent via the second public network (3). (See as-filed specification, pages 3, line 24 to page 4, line 4, page 5, lines 20-27, and page 7, lines 3-7). Claim 10 is amended to adjust antecedent basis.

Andreason discusses a stationary telephony terminal, which a subscriber connects to a mobile radio telephony network via the subscriber's mobile radio

telephone. The stationary telephony terminal and the mobile radio telephone are connected to each other by a wireless short range communication link. The mobile radio telephone can move and connect different stationary telephony terminals on different locations. The stationary telephony terminals have no own telephone number or other identity in the mobile radio telephony network. (See Andreason, para. 0008)

Andreason at paragraph 0041 refers to Figure 1 and discusses how a subscriber P1 can enter a room having stationary telephone S1 and initiate a call from station telephone S1 that connects through mobile telephone M1, via cellular link R1 to a remote station S2 on a public network PSTN1.

Thus, Andreason operates to allow a mobile telephone user to use a stationary telephone terminal to make a call via the mobile telephone and its corresponding cellular network.

Postma discusses a mobile unit that can be physically mounted within a base unit. The physically mounted combination can then be used to place and receive calls via the stationary network of the base unit. (See Postma, Figure 13).

Postma, at paragraph 0105 states:

“FIG. 13 provides a diagram illustrating call routing from the portable module 100 to the base module 200 to avoid airtime usage for calls to the portable module 100. Illustratively, the portable module 100 is a communication device that receives phone calls over a wireless network 300, and the base module 200 is a telephone that communicates over a telephone network 320. The telephone network 320 and the wireless network 300 communicate through a gateway 330. The base module 200 and caller equipment 201 are connected to the telephone network 320 via links 304 and 306, respectively. The links 304 and 306 will typically be hardwired conductor or optical links, but may also include wireless communication links to the telephone network 320. The portable module 100 and a communication device 321 communicate over the wireless network 300 through wireless links. The gateway 330 is a system through which calls to the portable module 100 and possibly other communication devices enter and are routed through the network 300. Although shown in FIG. 12 as linking the

telephone network 320 and the wireless communication network 300, the gateway 330 may be implemented in either of these networks. Other intervening networks may also be used.”(Postma, para. 0105)

Further, Postma, at paragraph 0106 indicates that the function of a mated mobile device 100 connected to the base device 200 is to route calls through the wired network 320 of the base device 200. As stated in Postma para. 0106:

“When the portable module 100 is placed in its mounted position, as indicated in FIG. 13 by the double arrow 68, a control message 70 is sent to the network 300. The control message 70 may then be forwarded to the gateway 330 or a network service provider that operates the gateway 330 and/or network 300. In response to the control message 70, any subsequent incoming calls over the wireless network 300 for the portable module 100 are routed over the telephone network 320 to the base module 200. The routing includes both calls placed over the telephone network 320, as indicated by arrow 72, and calls placed over the wireless network 300, as indicated by arrow 74. As long as the portable module 100 remains in its mounted position, the incoming calls to the portable module 100 will continue to be routed over the telephone network 320.” (Postma, para. 0106).

Applicant respectfully submits that in the suggested combination of references, Andreason is modified by Postma such that Postma changes the principle of operation of Andreason.

Postma teaches that two devices, a mobile device 100 and a stationary telephone station 200 must be physically mated to communicate with each other and that after mating, calls from the physical combination or from the wireless network are routed through the wired telephone network 320 instead of via a wireless network 300. This is accomplished to avoid using the wireless connection of the mobile device 100. (Refer to Postma Figure 13 and para. 106).

MPEP §2143.01 indicates that a case of obviousness under 35 USC §103 cannot be made if a modification of one reference by another renders the prior art unsatisfactory for its intended purpose or if one reference changes the principle of operation of a reference. Specifically, Part VI of MPEP §2143.01 states:

**“ THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE**

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” (MPEP §2143.01 Part VI).

Applicant notes that Postma changes the principle of operation of Andreason by modifying Andreason to incorporate the mobile device into the stationary device and by forcing all calls to be routed to a wired telephone network to avoid use of the wireless network. Since the principle of Andreason is to operate a stationary telephone via a mobile phone, and Postma modifies Andreason to only use the wired network connection instead, then Postma acts to change the principle of operation of Andreason and essentially render Andreason unsatisfactory for its intended purpose to use a stationary phone in a cellular network.

Applicant also notes that the combination of Andreason and Postma also fails to disclose the amended Claim 1 and Claim 13 elements of *selectively* allowing an outgoing call of the local communication network to be placed either to the first public network by radio communication of the first telecommunications device or to be placed via the second public network because the combination does not offer a selection. Instead, the proposed combination of Andreason and Postma forces calls to be made only by the wired second public network via the modification provided by Postma.

Thus, Applicant respectfully submits that the combination of Andreason and Postma fails to provide a *prima facie* case of obviousness under 35 USC §103 because all elements of the pending claims are not found in the cited combination and because the combination impermissibly changes the principle of operation of Andreason via MPEP §2143.01 Part VI.

Applicant respectfully submits that the amended independent Claims 1 and 13 patentably define over the cited art for the reasons indicated above. Also, Applicant submits that Claims 2-12 and 14-21, which depend on independent Claims 1 and 13 respectively also patentably define over the cited art per MPEP §2143.03.

### **Conclusion**

Applicant respectfully submits that the pending claims patentably define over the cited art and respectfully requests reconsideration, withdrawal of the 35 U.S.C §103(a) rejection of the pending claims, and continued examination.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefore.

Respectfully submitted,  
Eric Careel et al.

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/Jerome G. Schaefer/

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